

REMARKS**Double Patenting**

Claims 1-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/350431.

A Terminal Disclaimer is being submitted herewith in order to overcome the double patenting rejection.

§ 112 Rejections

Claims 4-11 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards (or Applicants regard) as the invention.

The amendments made to claims 4-11 are believed to obviate the rejections.

§ 102 Rejections

Claims 1-3, 7, 18-19, 21-23 and 25-28 stand rejected under 35 USC § 102(b) as being anticipated by Murthwaite et al. (GB 2302609).

Claims 1-3, 7-8, 12, 14-16, 21-23 and 27-30 stand rejected under 35 USC § 102(b) as being anticipated by Freeman. (GB 2245742).

The Examiner stated that, the limitation “provided on a traffic device wherein the device no longer meets a color standard or reflectivity standard” is a functional/intended use limitation in an article, which receives little patentable weight.

Applicant has amended claim 1 to properly recite a method of use. Applicant respectfully requests that this limitation be considered.

§ 103 Rejections

Claims 4-6 stand rejected under 35 USC § 103(a) as being unpatentable over Freeman in view of Nakayama et al. (US 6517923) and also over Murthwaite et al. in view of Nakayama et al. (US 6517923). Claims 8-17 and 20 stand rejected under 35 USC § 103(a) as being unpatentable over Murthwaite et al. in view of Martin et al. (US 5236751). Claim 24 stands rejected under 35 USC § 103(a) as being unpatentable over Murthwaite et al. in view of Boyd (WO 99/24671). Claim 29 stands rejected under 35 USC § 103(a) as being unpatentable over Murthwaite et al. in view of Freeman.

Claims 27-29 have been cancelled. The remaining rejections are based on only the dependent claims. The Applicant submits that none of the references relied upon are directed to methods of refurbishing traffic devices. Reconsideration of the application is requested.

Respectfully submitted,

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